

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TONY AND MII'S, INC.	§	
TONY THANGSONGCHAROEN, and	§	
SOMNUEK THANGSONGCHAROEN	§	Case No. 3:17-cv-609-B
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Defendant.	§	

**UNITED STATES' UNOPPOSED MOTION FOR A STAY OF DEADLINES,
INCLUDING ANY FURTHER BRIEFING OR HEARING ON
THE UNITED STATES' AMENDED MOTION FOR PROTECTIVE ORDER [D.E. 43]
IN LIGHT OF LAPSE OF APPROPRIATIONS; and
BRIEF IN SUPPORT**

The United States of America hereby moves for a stay of all deadlines in this matter, including any further briefing or hearing on the United States' Amended Motion for Protective Order [D.E. 43], in light of Lapse of Appropriations in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal defendants are prohibited from working, even on a voluntary basis, except in limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all deadlines in this matter until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. At that point, the Government anticipates filing a joint motion with the Plaintiffs to extend all current deadlines, including the deadline for discovery, dispositive motions, and trial.

5. Opposing counsel has authorized counsel for the Government to state that the Plaintiffs have no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all deadlines in this matter, including any further briefing or hearing on the United States' Amended Motion for Protective Order [D.E. 43], until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

/s/ Curtis C. Smith
CURTIS C. SMITH
State Bar No. AZ 026374
MOHA P. YEPURI
Texas State Bar No. 24046651
Trial Attorneys, Tax Division
U.S. Department of Justice
717 N. Harwood, Suite 400
Dallas, Texas 75201
(214) 880-9734/67
(214) 880-9741 (fax)
Curtis.C.Smith@usdoj.gov
Moha.P.Yepuri@usdoj.gov

ATTORNEYS FOR UNITED STATES

CERTIFICATE OF CONFERENCE

Pursuant to LR 7.1(a) & (h), I certify I have contacted opposing counsel by email, who has stated that the Plaintiffs are unopposed to this motion.

/s/ Curtis C. Smith
CURTIS C. SMITH

CERTIFICATE OF SERVICE

It is hereby certified, that on December 26, 2018, I filed the foregoing using the Clerk's ECF system which will serve an electronic copy on the following:

Jason B. Freeman
Freeman Law, PLLC
2595 Dallas Parkway, Suite 420
Frisco, Texas 75034
Jason@freemanlaw-llc.com

Counsel for all Plaintiffs

/s/ Curtis C. Smith
CURTIS C. SMITH